

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Wake Village, Texas; Arcadia and
Gibbsland, Louisiana)

MM Docket No. 99-144

RM No. 9538

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To: The Allocations Branch
Policy and Rules Division
Mass Media Bureau

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

REPLY COMMENTS

Baker Creek Broadcasting Company ("Baker Creek"), by counsel,
pursuant to 47 CFR §1.415(c), respectfully submits its *Reply Comments* in
response to the Comments filed in connection with the Notice of Proposed Rule
Making ("NPRM") released on May 7, 1999, by the Chief, Allocations Branch. In
support thereof, the following is stated:

I. INTRODUCTION

1. Comments were due to be filed in the above-captioned proceeding
on or before June 28, 1999. On that date, Baker Creek filed a Counterproposal
seeking the allotment of Channel 231C3 to the community of Gibbsland, Louisiana
rather than assigning 231C3 to Arcadia, Louisiana as proposed in the NPRM.

2. Four other parties submitted timely filed comments: Houston
Christian Broadcasters, Inc. ("HCBI"), licensee of FM station KBHA, Channel
223A, Wake Village, Texas; North Louisiana Gospel Association, Inc. ("North

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Louisiana”); Roy E. Henderson d/b/a Better Broadcasting Company (“Henderson”); and Contemporary Communications (“Contemporary”). Baker Creek will herein reply to the filings.

II. ARGUMENT

A. The Odoms’ Comments Were Not Properly Verified

3. Attached to HCBI’s Comments was a document in which Charles and Patti Odom (the “Odoms”) supported the changes proposed in the NPRM. Section 1.52 of the Commission’s rules requires that parties who are not represented by an attorney must verify documents submitted to the Commission. In the present case, there is no indication that the Odoms are represented by HCBI’s counsel. They are apparently proceeding without an attorney. However, the Odoms failed to verify their comments as is required by 47 CFR §1.52. Therefore, absent this needed verification, the Odoms’ document containing their expression of interest is legally defective and cannot be accepted in this rule making proceeding for any purpose.

B. The Comments of William W. Brown Were Not Filed On A Timely Basis.

4. William W. Brown (“Brown”) filed comments that were mailed to the Commission. They were marked received by the Commission’s mail room on June 29, 1999. As already noted, the last day for filing comments in this proceeding was June 28, 1999. As such, Brown’s comments are untimely and cannot be accepted in this rule making proceeding for any purpose.

C. Contemporary's Proposal to Allocate Channel 231C2 to Hodge, Louisiana

5. In its comments, Contemporary proposes the allocation of Channel 231C2 to Hodge, Louisiana. Hodge is characterized by the Census Bureau as a simple village containing a scant population of only 562 persons. Moreover, it is geographically linked to two other villages: North Hodge and East Hodge. See Census Bureau Web Page Attached Hereto as Exhibit 1. It therefore appears unlikely to have its own identity as a community.

6. Contemporary has supplied little information in support of its claim that Hodge is a community for allocation purposes. While a number of business and purported civic functions are listed by Contemporary, there is no indication where these entities are located or whether they reside in East Hodge or North Hodge. Therefore, Contemporary has not met its burden of showing that Hodge is a valid community for purposes of the FM Table of Allotments.

7. Under the Commission's well-defined allocation criteria, both Gibsland and Hodge, Louisiana are superior to upgraded service at Arcadia. As noted in Baker Creek's Supplement to Counterproposal, the allocation of Channel 231C3 at Gibsland, Louisiana would represent a second aural service and a first wide-area service at Gibsland, Louisiana. Although Hodge would present a first service, Hodge is only a village with less than half the population of Gibsland (562 at Hodge as compared with 1,224 at Gibsland). Consequently, the allotment of Channel 231C3 to Gibsland, Louisiana is preferable over the Hodge allotment.

D. Reiteration Of Baker Creek's Expression Of Interest

8. If the Commission assigns Channel 231C3 to Gibsland, Louisiana, Baker Creek will apply for a construction permit and will construct a new facility upon award of that permit.

WHEREFORE, in accordance with the above, Baker Creek Broadcasting Company respectfully requests that Channel 231C3 be assigned to Gibsland, Louisiana.


July 13, 1999

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Respectfully Submitted,

Baker Creek Broadcasting
Company

By: 
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Its Attorney

Baker Creek Broadcasting Company
Reply Comments
July 13, 1999

EXHIBIT 1

U.S. Census Bureau

U.S. Gazetteer

Select one of the following matches to your query to look at that place in the Tiger Map Browser or retrieve 1990 Census tables.

You can search this index. Type the keyword(s) you want to search for:

- **North Hodge, LA** (village)
Population (1990): 477
Location: 32.28409 N, 92.71616 W
Zip Code(s): 71251
Browse [Tiger Map](#) of area.
Lookup 1990 Census [STF1A](#), [STF3A](#) tables.
- **Hodge, LA** (village)
Population (1990): 562
Location: 32.27165 N, 92.72910 W
Zip Code(s): 71251
Browse [Tiger Map](#) of area.
Lookup 1990 Census [STF1A](#), [STF3A](#) tables.
- **East Hodge, LA** (village)
Population (1990): 421
Location: 32.27686 N, 92.71396 W
Zip Code(s): 71251
Browse [Tiger Map](#) of area.
Lookup 1990 Census [STF1A](#), [STF3A](#) tables.

*Note: This dataset is derived from the Census GICS and does not contain unincorporated place names.

For other geographic entities, try searching the [USGS Geographic Names Information System](#).
The [US Gazetteer Place and Zipcode files](#) used in this service is available for downloading.

For additional information, comments and suggestions, see the [Feedback](#) page.

CERTIFICATE OF SERVICE

I, Henry E. Crawford, do hereby certify that copies of the foregoing Reply
Comments have been served by United States mail, postage prepaid this 13th
day of July, 1999 upon the following:

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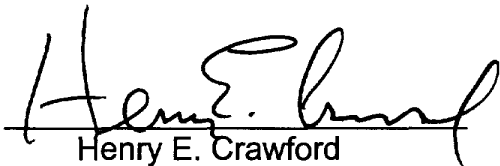
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